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## TO THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Ex. 1155 A2:1 # EQ 823113974

Lynn A. Buckner

Signature

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Applicant : Buckner, Lynn A.

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Application No. : 10/624,868

Filed : 22 July 2003

Title : Air over water Excavation

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## Response to the 26 Jan. 2009 Notice of Non-Compliance

Which is also a:

## Response to Examiners request for Election / Restriction requirements

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Assistant Commissioner for Patents  
Washington, D.C. 20231

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Commissioner:

This is an amended replacement of the previously filed Response to Examiners request for Election / Restriction requirements.

In response to the Examiners Election/Restriction requirement, Applicant elects claims 23-33 as amended without traverse. Claims 34-38 have been added.

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In response to the Examiners Election of species requirement, Applicant elects Species I, Fig. 1. Applicant identifies claims 23-38 as being readable thereon.

In the Claims, please amend the above-identified application as follows: Claims 1-22 have been cancelled. Claims 23-33 are currently amended. Claims 34-38 are new.

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Please amend claims 23-33 as follows in the attachment below.

A clean copy is also attached.

It is believed that the claims are now in a condition of allowance.

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Respectfully submitted,

Lynn A. Buckner  
Lynn A. Buckner  
423-413-7823

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